

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

|                         |   |           |
|-------------------------|---|-----------|
| AUSTIN WAYNE BYRD,      | ) |           |
|                         | ) |           |
| Plaintiff,              | ) |           |
|                         | ) |           |
| v.                      | ) | 1:23CV320 |
|                         | ) |           |
| NC DEPARTMENT OF HEALTH | ) |           |
| AND HUMAN SERVICES,     | ) |           |
|                         | ) |           |
| Defendants.             | ) |           |

**JUDGMENT**

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and on February 14, 2024, was served on the parties in this action. (ECF Nos. 15, 16.) No objections were filed within the time prescribed by § 636.

The Court hereby adopts the Magistrate Judge's Recommendation.

**IT IS HEREBY ORDERED AND ADJUDGED** that this action is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failing to state a claim.

This, the 11<sup>th</sup> day of March 2024.

/s/ Loretta C. Biggs  
United States District Judge